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Re Patent Application of:
Harry R. Davis et al.

Examiner: Mojdeh Bahar

Serial No.: 10/057,629

Group Art Unit: 1617

Filed: January 25, 2002

Atty. Docket No.: CV01382K

For: Use of Substituted Azetidinone
Compounds for the Treatment
Of Sitosterolemia

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

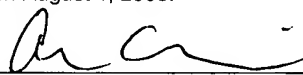
RESPONSE TO RESTRICTION REQUIREMENT AND ELECTION OF SPECIES

This is in response to the Office Action mailed on July 2, 2003, in the above-identified patent application.

Claims 1-58 are pending in the application. A two-way restriction requirement was set forth at page 2 of the Office Action and an election of species requirement was set forth at pages 2-3 of the Office Action. For brevity, these rejections are not repeated herein but reference is made to the Office Action. Applicants respectfully traverse and request reconsideration and withdrawal of the restriction and election of species requirements.

Applicants believe that when there is a linking claim encompassing the scope of pharmaceutical compositions comprising compounds and methods of treatment using the compositions, it is inappropriate to restrict the invention. Applicants believe that due to such commonality a complete examination of claims 1-58 would not cause undue burden. Therefore, reconsideration and withdrawal of the restriction requirement is respectfully requested.

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Ann Cannoni
Registration No. 35,972



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**PROVISIONAL RESPONSE TO RESTRICTION REQUIREMENT AND
ELECTION OF SPECIES**

To facilitate prosecution of the application and in order to comply with the Examiner's requirements, Applicants hereby provisionally elect with traverse the claims of Group 1 (claims 1-24, 32-45 and 48-56) for initial examination in this application.

Applicants provisionally elect with traverse cholestyramine as the lipid-lowering agent for initial examination. Cholestyramine is a bile acid sequestrant and is disclosed at page 41, line 22 and elsewhere throughout the application. The claims readable thereon include claims 15 and 19-21, 28, 32, 43-47, and 57-58.

Applicants provisionally elect with traverse the compound of Formula (VIII) (ezetimibe) (shown at page 32 of the specification) for initial examination in this application. The claims readable thereon include claims 1, 8-9, and 13-58.

Applicants provisionally elect with traverse simvastatin as the third therapeutic agent for initial examination in this application. Simvastatin is disclosed at page 42, line 17 and elsewhere throughout the application. The claims readable thereon are claims 15-24, 28-31, 33, 41, 42 and 57.

Examination on the merits for claims 1-58 is respectfully requested.

Respectfully submitted,

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Attorney for Applicant

Date: August 1, 2003


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Attorney Docket No.: CV 82K

Application No.: 10/057,629

Filing Date: 01/25/2002

Inventor: Harry R. Davis et al.



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Documents submitted:

Response to Restriction Requirement and Election Species - 2 Pages

Response Transmittal Form PTO/SB/21 - 1 Page

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/057,629	
	Filing Date	01/25/2002	
	First Named Inventor	Harry R. Davis, et al.	
	Art Unit	1617	
	Examiner Name	Mojdeh Bahar	
Total Number of Pages in This Submission	4	Attorney Docket Number	CV01382K

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<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual	Ann Marie Cannoni, Reg. No. 35,972
Signature	
Date	August 1, 2003

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